

INTERNATIONAL SEARCH REPORT

International Application No
PCT/GB2004/001428

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K38/00 A61K38/17 A61P29/00 A61P37/00 A61P37/08
A61P27/14 A61P17/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A61K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, MEDLINE, BIOSIS, EMBASE, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/15719 A (NUTTALL PATRICIA ANNE ; PAESEN GUIDO CHRISTIAAN (GB); EVOLUTEC LTD (GB) 8 March 2001 (2001-03-08) page 3, line 25 - page 4, line 32 page 7, column 2; examples 1,2	1-10
X	WO 01/40469 A (UNIV YALE) 7 June 2001 (2001-06-07) page 12, line 8 - page 14, line 33; claims 53,54 page 34, paragraph 2-4	1-8,10
X	WO 99/27104 A (OXFORD VACS LTD ; NUTTALL PATRICIA ANN (GB); PAESEN GUIDO CHRISTIAN (G) 3 June 1999 (1999-06-03) claims 1-44	1-10
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

5 July 2004

Date of mailing of the international search report

16/07/2004

Name and mailing address of the ISA

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	<p>DATABASE BIOSIS 'Online! BIOSCIENCES INFORMATION SERVICE, PHILADELPHIA, PA, US; September 2003 (2003-09), COUILLIN I ET AL: "Arthropod-derived histamine binding protein prevents allergic asthma." XP002286885 Database accession no. PREV200300585945 abstract</p>	1,2,4-10
P,X	<p>& EUROPEAN CYTOKINE NETWORK, vol. 14, no. Supplement 3, September 2003 (2003-09), page 48, ANNUAL MEETING OF THE INTERNATIONAL CYTOKINE SOCIETY; DUBLIN, IRELAND; SEPTEMBER 20-24, 2003 ISSN: 1148-5493 -----</p>	1,2,4-10

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Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
see FURTHER INFORMATION sheet PCT/ISA/210
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Claims Nos.: 1-10 in part (for novelty and inventive step) as well as 1-9 (for industrial applicability)

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

Continuation of Box II.2

Present claims 1-10 relate to an extremely large number of possible compounds and diseases. In fact, the claims contain so many options that a lack of clarity (and conciseness) within the meaning of Article 6 PCT arises to such an extent as to render a meaningful search of the claims impossible.

In addition, claims 1-7 and 10 relate to compounds defined by reference to a desirable characteristic or property, namely binding to histamine, and claims 1 and 4-10 relate to diseases defined solely as "mediated by neutrophils". The claims cover all compounds and diseases having this characteristics or properties, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds and diseases. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible.

Consequently, the search has been carried out for those parts of the application which do appear to be clear (and concise), namely (a) claims 8 and 9 in regard to the compounds and (b) claims 2 and 3 in regard to the diseases.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB2004/001428

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0115719	A	08-03-2001	AU 6713900 A	26-03-2001
			BR 0013665 A	14-05-2002
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			CN 1382057 T	27-11-2002
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			WO 0115719 A2	08-03-2001
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			WO 0140469 A2	07-06-2001
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			EP 1034273 A1	13-09-2000
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			JP 2002508927 T	26-03-2002
			NZ 504753 A	26-11-2002
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